
REMARKS

Claim rejections under 35 USC 102

Claims 1-7, 9, 11, and 13-17 have been rejected under 35 USC 102(e) as being anticipated by Kawamura (2003/0029570). Claims 1 and 14 are independent claims, from which the remaining pending claims 2-6, 13, and 16 ultimately depend. Applicant asserts that as amended, claims 1 and 14 are not anticipated by, nor rendered obvious in view of, Kawamura. For at least these same reasons, then, claims 2-6, 13, and 16 are also patentable over Kawamura.

Applicant has amended claims 1 and 14 to better clarify their subject inventions. In particular, the positioning kits of each of these claims are now “discrete,” as opposed to, for instance, being integral with the interior sidewalls of the housing or tube. Furthermore, the positioning kits “extend[] from interior sidewalls” of the housing or tube, as opposed to, for instance, being fashioned within the interior sidewalls. At least one of the positioning kits “extend from a back interior sidewall” of the housing or tube, at least one of the positioning kits “extend from a first side interior sidewall” of the housing or tube, and at least one of the positioning kits “extend from a second side interior sidewall [of the housing or tube] . . . opposite to the first side interior sidewall.”

Support for these amendments to claims 1 and 14 is found in the patent application as filed at least in FIG. 4 and its conjoining description in the detailed description. For instance, the positioning kits 406, 408, and 410 are depicted in FIG. 4 as being discrete and extending from the sidewalls 306, 308, and 310, and not integral to the sidewalls 306, 308, and 310 – that is, they are not fashioned within the sidewalls 306, 308, and 310, but are separate therefrom and thus are *discrete* positioning kits. Further support for the kits’ discrete nature is found in claim 14, as originally filed, which states that the kits are “fixed inside the tube” (or housing), and thus are discrete from the tube (or housing). Additionally, the positioning kits 406 extend from the back interior sidewall 310, the positioning kits 408A and 410A extend from the first side interior sidewall 306, and the positioning kits 408B and 410B extend from the second side interior sidewall 308 that is opposite to the first side interior sidewall 306.

Applicant submits that claims 1 and 14, with these added limitations, are not anticipated by nor rendered obvious in view of Kawamura. First, Kawamura does not anticipate claims 1

and 14. Kawamura's positioning kits are shown in FIG. 21 thereof. The positioning kits are "the grooves 3 . . . cut in the support columns 2." (Para. [0086]) As such, they are not *discrete* positioning kits, as to which claims 1 and 14 are limited, because they are not separate from the columns 2, but rather are a part of the columns 2. Furthermore, claims 1 and 14 are limited to the kits "extending from interior sidewalls." However, the positioning kits of Kawamura do not extend from the sidewalls, inasmuch as they are cut into the sidewalls of the columns 2. Kawamura's kits also do not extend from back or side interior sidewalls, since Kawamura's boat 1 is circular in configuration, and thus does not have defined "back" or "side" sidewalls.

Second, Kawamura does not render obvious claims 1 and 14, as have been amended. For instance, there is no motivation to modify Kawamura's positioning kits to extend from the sidewalls, as opposed to being cut into the sidewalls. This is because the positioning kits of Kawamura accomplished their intended functionality perfectly well, to hold the wafer 6 in place, such that there is no motivation to change how the positioning kits are configured to yield the claimed inventions of claims 1 and 14. Furthermore, modifying Kawamura's positioning kits to extend from the sidewalls, as opposed to being cut into the sidewalls, destroys the intended operation and functionality of Kawamura. Kawamura's boat 1 is clearly designed to operate and function by having grooves 3 cut into the support columns 2. If instead the positioning kits extend from support columns 2, the intent of Kawamura's design would be frustrated, destroying its described operation and functionality.

Rejections under 35 USC 103

Claims 8, 10, and 12 have been rejected under 35 USC 103(a) as being unpatentable over Kawamura in view of Meuris (6,472,294). Applicant notes that claims 8, 10, and 12 have been cancelled, rendering this rejection moot.

Conclusion

Applicant has made a diligent effort to place the pending claims in condition for allowance, and request that they so be allowed. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Randy Tung,

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Applicant's Attorney, at 248-540-4040, so that such issues may be resolved as expeditiously as possible. For these reasons, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,


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